

**City of Tillamook Planning Commission Meeting
October 4, 2007**

Staff Present:

Jodee Averill
David Mattison

Commissioners Present:

Steve Munoz
Ray Jacobs
Rob Huston
Jan Stewart
Tamra Jacobs
Howard Harrison
Nick Hahn

I. CALL TO ORDER

Chairperson Stewart called the meeting to order at 7:01 p.m.

II. HEARING OF CITIZENS AND DELEGATIONS

None

III. APPROVAL OF MINUTES FOR July 5, 2007:

Commissioner T. Jacobs moved to approve the minutes from the August 2007 Planning Commission meeting, as corrected by City Planner. Commissioner Huston seconded the motion. The motion passed with a unanimous aye vote, with Commissioners Munoz, R. Jacobs and Harrison abstaining due to absence.

IV. PUBLIC HEARINGS

Chairperson Stewart read the hearing disclosure. There was no ex parte contact, conflict of interest, or bias. There was no challenge from the audience.

Applicant: Jesus Sosa, Conditional Use Permit #CU-07-03 and Site Plan Review #SP-07-05, to conditionally convert the existing pole building and single-family residents on site to Valley Fresh Produce retail store and related office and storage space within the Multiple Use Residential Zone District (R-O) of the City of Tillamook.

City Planner handed out an updated application, which included comments received after the packets were sent out. City Planner then read the staff report.

Commissioner T. Jacobs asked City Planner about an unfinished sentence on page 5 regarding storm drainage. City Planner corrected the sentence to read “the site grading will provide surface water drainage with a trench drain located on site”.

Commissioner R. Jacobs asked City Planner why the comments received from an anonymous person were read into the record. Chairperson Stewart asked City Planner to look into the protocol on this with the State.

Chairperson Stewart asked why the sidewalks were only on the Third Street side. City Planner said the applicant could explain this further.

Rich Gitchlag, North Coast Engineering, 805 A Ivy Avenue, Tillamook Oregon
In the pre-application meeting, issues of the sidewalks were discussed. There is not enough room on Schild Road for full sidewalks, and the County did not see the need for sidewalks on agricultural property. In order to keep the drainage working properly and because of the low demand of pedestrians on Schild Road, they felt it would be adequate to just provide frontage sidewalk for access to the store and the office. Mr. Gitchlag asked about the requirement of some improvements being completed prior to occupancy. He said that the applicant hoped to keep his business open while the improvements are being completed.

Commissioner T. Jacobs asked if he had a time frame for the conversion. Mr. Gitchlag thought it would take around three to six months from the time they start, but they have not worked out the sequence of the phases yet. City Planner added that the Commission could add a condition that the applicant come back for review within a six month time period to see what has been accomplished.

Jesus Sosa, 508 Marolf Loop Rd. Tillamook Or.

Mr. Sosa stated that he needs more room in his store and more room for parking. He will need to remove the old store to do the sewer lines and the sidewalks. He would like to keep his business open while this is going on. His plan is to move into the new store, and then continue with the sewer and sidewalks.

Commissioner T. Jacobs asked if the residence was going to be occupied. Mr. Sosa said it will be an office only; no one will be living there.

Chairperson Stewart asked if there was any response to John Main’s concern about the Valley Fresh Produce customers using the Fairview Market parking lot. Mr. Sosa said this is part of the reason why they are requesting these improvements, because he needs more parking.

Mr. Gitchlag said the existing pole building is being converted into the store. The existing residence is being converted to an office. Then the existing store will be

demolished and made to a parking lot. There will be additional parking for employees at the converted office.

Chairperson Stewart asked if there is a clear understanding of condition 9, regarding the removal of the building on the property located on Highway 101. Mr. Gitchlag said this condition was a surprise, and they were not expecting that requirement.

Commissioner Harrison asked if Mr. Gitchlag saw a problem with making it an “in only” off of Third Street and “out only” on Schild Road. Mr. Gitchlag didn’t see any problem with this, it was discussed a little in pre-application meetings, but neither City nor County staff saw a problem with the way it is now.

Commissioner T. Jacobs asked if Condition 10 cover the issue of the new store meeting all current building requirements, such as aisle width, emergency exits, etc. City Planner said yes, and it is also covered under Condition 4 by Health Dept. standards, and Condition 6 with Building Codes and Permits.

Commissioner Munoz asked if the fence is existing on the property. Mr. Gitchlag said it is a proposed fence. Commissioner Munoz stated that this should take care of the parking issue with Fairview Market. Mr. Gitchlag feels that the defined paring spaces will also help with this issue.

Chairperson Stewart called a five-minute recess for Mr. Sosa and Mr. Gitchlag to discuss the issue of the property on Highway 101.

Mr. Gitchlag said that Mr. Sosa would like to see the property on Highway 101 to FEMA. Without the building, the property does not qualify for a FEMA buyout. If the applicant tears the building down, FEMA has no reason to buy it. But if FEMA does buy the property, then they will remove the building.

Chairperson Stewart noted that there is no audience, so there will be no opponents or neutral testimony. The public hearing was closed for Commission Discussion.

Commissioner R. Jacobs asked City Planner how the property located Highway 101 can be connected to this application. City Planner said that the two are connected in a round about way, because of the temporary use allowing them to use the Third Street property during the flood season.

Commissioner Munoz asked if the seasonal use is still being used. City Planner said the seasonal use is being used, but if this application is approved, the seasonal use would be discontinued and full time use would be allowed.

Commissioner Harrison asked if staff is familiar with the FEMA buyout process. City Planner said that funds are allocated each year to the area. Then the County takes over. He said that he is unsure of the process after that. Commissioner Harrison suggested that Condition 9 could be changed to allow the building to remain for a certain period of time.

Then if FEMA has not purchased the property, Mr. Sosa would be required to demolish the building.

Commissioner R. Jacobs stated that if the condition was included, then FEMA could see this condition on the deed and feel no need to do a buyout, because the applicant would still be required to demolish the property.

Commissioner Huston asked why Conditions 2 and 3 state to be done before occupancy is allowed, shouldn't it state that the agreements be signed prior to the issuance of a building permit. City Planner said that change can be made; his way is only a suggestion.

Commissioner T. Jacobs said that she feels that if they are allowed to stay open during the conversion, a condition should be added requiring a review within one year be added. She said it could be done administratively, and City Planner could make sure the improvements are being completed.

Chairperson Stewart reminded the Commission that in a motion, the findings and conditions need to be mentioned, as well as the changes made to the finding regarding drainage.

Commissioner T. Jacobs moved to add a condition that the conversion and occupancy of the existing structures, paving, and removal of all be completed within one year from the date of approval, with a transitional period of one month.

Chairperson Stewart stopped the motion because she thought Commissioner Huston had already started a motion. She then called a five-minute recess.

Commissioner T. Jacobs withdrew her previous motion.

Commissioner Huston made a motion to approve CU-07-03 and Sp-07-05 in accordance with staffs findings of fact, including the changes made to the finding regarding drainage. Also approving the Conditions including the changes made to Condition 2 to read "prior to issuance of building permit" and Condition 3 to read "prior to issuance of building permit", and also removing Condition 9. Commissioner R. Jacobs seconded the motion.

Commissioner Harrison added a friendly amendment permitting a six-month overlap in operations between the existing and converted store; and secondly to add a six-month review period by the Planning Commission. Commissioner Munoz seconded the friendly amendment. The motion and amendment passed with a unanimous aye vote. The vote was as follows:

Commissioner Hahn-aye
Commissioner Harrison-aye
Commissioner T. Jacobs-aye
Commissioner Huston-aye

Commissioner R. Jacobs-aye
Commissioner Munoz-aye

Chairperson Stewart advised that there is a ten-day appeal period from the date of this hearing.

V. ITEMS OF HIGH PUBLIC INTEREST

None.

VI. ITEMS OF COMMISSION CONCERN

Commissioner T. Jacobs read a letter she wrote in response to a complaint that was made against her at a previous meeting. She also requested information regarding the boundaries of a Commission member. Further discussion followed.

Commissioner T. Jacobs read a letter intended to educate planning commission members about learning the quasi-judicial planning hearing process. Her suggestion that members be given clear, reliable information regarding our roles as planning commission members was well received. She also recommended we, as members, need to take advantage of the seminars and educational opportunities the city offers us.

VII. ANNOUNCEMENTS

City Planner announced the dates of Planning Commission Training.

VIII. ADJOURNMENT OF PUBLIC HEARING

There being no further business, the meeting was adjourned at 9:35 pm.

Submitted by,
Jodee Averill, Planning Secretary

Approval Acknowledged by:

Jan Stewart, City Planning Commission Chair

Date